IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2957 of 2003
Date of Decision. 08.10.2010

The New India Assurance Co. Ltd., Railway Road, Kurukshetra (insurer of car No.CH-01Z-4114) through Sh. S.S. Bedi, Asstt. Manager, Regional Office, SCO No.36-37, Sector 17-A, Chandigarh

.....Appellant

Versus

Shalloo Sharma daughter of Prem Chand and others

....Respondents

2. **FAO No.2958 of 2003**

The New India Assurance Co. Ltd., Railway Road, Kurukshetra (insurer of car No.CH-01Z-4114) through Sh. S.S. Bedi, Asstt. Manager, Regional Office, SCO No.36-37, Sector 17-A, Chandigarh

.....Appellant

Versus

Shalloo Sharma daughter of Prem Chand and others

....Respondents

3. **FAO No.2862 of 2003**

The New India Assurance Co. Ltd., Railway Road, Kurukshetra (insurer of car No.CH-01Z-4114) through Sh. S.S. Bedi, Asstt. Manager, Regional Office, SCO No.36-37, Sector 17-A, Chandigarh

.....Appellant

Versus

Satya Sharma w/o Vishnu Sharma and others

....Respondents

4. **FAO No.2863 of 2003**

The New India Assurance Co. Ltd., Railway Road, Kurukshetra (insurer of car No.CH-01Z-4114) through Sh. S.S. Bedi, Asstt. Manager, Regional Office, SCO No.36-37, Sector 17-A, Chandigarh

.....Appellant

Versus

Rimple Sharma daughter of Narinder Kumar and others

....Respondents

Present: Mr. Suman Jain, Advocate
for the appellant.

None for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J.(ORAL)

1. In all these cases, the issue is liability of the insurer under a Comprehensive Policy where the coverage of risk is to any passenger in a vehicle. Such a claim ought to be founded as established in cases of all passengers and it shall not avail to the insurance company to plead that there was no payment of extra premium. The basic premium itself ought to include a claim for the passengers in the vehicle as well, so long as it is a comprehensive cover. What is stated for passengers in a private vehicle may not apply immediately to the owner of the vehicle. That entitlement obtains only through a specific personal accident cover. The accident has taken place in the year 2000 and the policy comes through a time when there was a personal accident cover for the owner. The case relating to the owner is covered in FAO No.2862 of 2003 and it merely covers the risk apart from the occupants passengers only to a paid driver. The owner himself has not obtained a cover to himself.

2. The case of the representatives of the owner cannot, therefore, survive. The appeal filed by the insurance company in FAO No.2957 of 2003 is, therefore, allowed and the appeals filed in

FAO Nos.2958, 2862 and 2863 of 2003 are dismissed.

(K. KANNAN)
JUDGE

October 08, 2010
Pankaj*